

REMARKS/ARGUMENTS

In response to the Office Action mailed August 3, 2009, Applicants amend their application and request reconsideration in view of the amendments and the following remarks. In this amendment, claim 1 is amended, no claims have been cancelled without prejudice and no claims have been added so that claims 1-6 remain pending.

Claims 1-6 were rejected under 35 U.S.C. §112, first paragraph. Applicants have amended the claim to more clearly set forth the invention. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-2 were rejected as being unpatentable over U.S. Patent No. 5,122,154 to Rhodes et al. (Rhodes) in view of U.S. Patent Publication No. 2003/0065378 to Chevillon et al. (Chevillon). Claims 1-6 were rejected as being unpatentable over Chevillon in view of U.S. Patent No. 5,476,506 to Lunn (Lunn). Claims 1, 2, 5 and 6 were rejected as being unpatentable over U.S. Patent No. 3,693,085 to Buirge et al. (Buirge) in view of Lunn and U.S. Patent No. 6,206,911 to Milo (Milo). These rejections are respectfully traversed.

In order to make a finding of obviousness, an Examiner must (1) determine the scope and content of the prior art, including non-analogous art if it is in the field of endeavor reasonably related to the particular problem to which the claimed invention is directed, (2) ascertain the differences between the claimed invention and the prior art, considering both the prior art and claimed invention as a whole, and (3) resolve the level of ordinary skill in the art at the time of the invention, factoring in the creativity that one of ordinary skill in the art would employ as well as the Examiner's own knowledge and technical expertise.

It is respectfully submitted that the references taken as a whole fail to disclose or suggest all of the claimed limitations.

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Rhodes discloses an endovascular bypass graft. The graft comprises a sleeve having plural stents thereon. Chevillon discloses a medical set for intervention of an anatomical device sealing ring. The graft comprises a longitudinally extending thin walled cylinder having first and second ends. The device comprises an intraluminal prosthesis and a sealing collar. Lunn discloses a bi-directional crimped graft. Buirge discloses a stent with collagen. Milo discloses a stent having diamond shaped cells.

None of these references, whether taken alone or in combination disclose or suggest the structure of amended claim 1. Specifically, none of the references disclose or suggest a stent with hoops comprising nine diamond shaped rings interconnected via sinusoidal rings fabricated from fifty-four alternating struts. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

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